

ESTTA Tracking number: **ESTTA536280**

Filing date: **05/04/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Tequila Supremo, S.A. de C.V.		
Entity	sociedad anonima	Citizenship	Mexico
Address	Carretera a la Base AÃ©rea 3640-4 Col., Unidad Militar, C.P. 45200 Zapopan, Jalisco, 45200 MEXICO		

Attorney information	Aaron Y. Silverstein Saunders & Silverstein LLP 14 Cedar Street, Suite 224 Amesbury, MA 01913-1831 UNITED STATES trademarks@massiplaw.com, asilverstein@massiplaw.com Phone: +1.978.463.9100
----------------------	--

Registration Subject to Cancellation

Registration No	2845425	Registration date	05/25/2004
Registrant	Naturel, LLC 3100 E. Cedar St., Suite 16 Ontario, CA 91761 UNITED STATES		

Goods/Services Subject to Cancellation

Class 033. First Use: 2003/09/10 First Use In Commerce: 2003/09/10
All goods and services in the class are cancelled, namely: Alcoholic beverages, namely, tequila and distilled spirits

Grounds for Cancellation

Abandonment	Trademark Act section 14
-------------	--------------------------

Attachments	20130504 gran senor.pdf (4 pages)(78067 bytes)
-------------	---

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/asilverstein/
Name	Aaron Y. Silverstein

Date	05/04/2013
------	------------

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

TEQUILA SUPREMO, S.A. DE C.V.,

Petitioner,

v.

NATUREL, LLC,

Registrant.

Cancellation No.

Registration No. 2,845,425

Mark: GRAN SENOR

PETITION FOR CANCELLATION

Tequila Supremo, S.A. de C.V. (“Petitioner” or “Tequila Supremo”), a sociedad anonima organized under the laws of Mexico, with a principal place of business at Carretera a la Base Aérea 3640-4, Col., Unidad Militar, C.P. 45200, Zapopan, Jalisco MEXICO, believes that it is and will be damaged by the registered mark GRAN SENOR, which is the subject of U.S. Registration Number 2,845,425, owned by Naturel, LLC (“Registrant”), a California partnership with a principal place of business at 3100 E. Cedar St. Suite 16, Ontario, California 91761. As grounds for its Petition, Tequila Supremo alleges the following, upon actual knowledge with respect to itself and its own acts, and upon information and belief as to other matters.

1. Petitioner is the owner of Application Serial No. 85/758,577 for the mark LA GRAN SEÑORA, which is presently pending in connection with “Alcoholic beverages, except beers” in International Class 33 (the “Application”).

2. Registrant is owner of U.S. Registration No. 2,845,425 for the mark GRAN SENOR, which is registered for “Alcoholic beverages, namely, tequila and distilled spirits” in International Class 33 (the “Registration”).
3. Pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), the Examining Attorney assigned to the Application has initially refused registration, citing a likelihood of confusion with the Registration.
4. On information and belief, Registrant no longer uses the GRAN SENOR trademark.
5. On information and belief, Registrant has no intention to resume use of the GRAN SENOR trademark.

**COUNT I
ABANDONMENT**

6. Petitioner restates Paragraphs 1 through 5 as though fully incorporated herein.
7. Registrant has abandoned use of the GRAN SENOR trademark, and it has no objective intent to resume use.
8. Accordingly, the GRAN SENOR trademark has been legally abandoned, and thus Registration No. 2,845,425 should be cancelled pursuant to 15 U.S.C. §1064(3).

WHEREFORE, Petitioner prays that this Petition for Cancellation be sustained and that Registration No. 2,845,425 be cancelled.

Date: May 4, 2013

Respectfully submitted,

Tequila Supremo, S.A. de C.V.

By its attorneys,

/s/ Aaron Y. Silverstein

Aaron Y. Silverstein

Saunders & Silverstein LLP

14 Cedar Street, Suite 224

Amesbury, MA 01913

P: 978-463-9100

F: 978-463-9109

asilverstein@massiplaw.com

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via ESTTA on date shown below to the United States Patent and Trademark Office.

/s/ Aaron Y. Silverstein
Aaron Y. Silverstein

Date: May 4, 2013

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 4, 2013, a true and correct copy of the foregoing PETITION FOR CANCELLATION was served by first class mail, postage pre-paid on:

Naturel, LLC
3100 E. Cedar St., Suite 16
Ontario, California 91761
United States

/s/ Aaron Y. Silverstein
Aaron Y. Silverstein